

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States, *et*
al.,

Defendants.

Case No. 3:22-cv-01213-TAD-KDM

**DEFENDANT CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY’S
SUR-REPLY TO PLAINTIFFS’ MOTION TO COMPEL SUPPLEMENTAL
DISCLOSURES**

Defendant Cybersecurity and Infrastructure Security Agency (CISA) explained in its opposition to Plaintiffs’ Motion to Compel Supplemental Disclosures (Def.’s Opp.) that CISA’s switchboarding efforts ended after the 2020 election cycle. ECF No. 182 at 14.

Plaintiffs seek to dispute this in their reply brief by pointing to a page on CISA’s website that describes CISA’s work during the 2018 and 2020 election cycles and that states: “[t]he MDM team serves as a switchboard for routing disinformation concerns to appropriate social media platforms and law enforcement.” Pls.’ Reply at 4 (quoting CISA, *Mis, Dis, Malinformation*, www.cisa.gov/mdm (visited Jan. 24, 2023)); Def’s Sur-Reply Ex. 1. Plaintiffs contend that this document describing CISA’s actions during the 2018 and 2020 election cycle “indicates that ‘switchboarding’ is an *ongoing* activity since the 2018 election cycle, and that—far from discontinuing it—CISA most recently ‘expanded the breadth of reporting’ to include ‘more social media platforms.’” *Id.* (emphasis in original).

But Plaintiffs' counsel asked CISA's chief of the Mis-, Dis-, and Malinformation Team, Brian Scully, about this portion of CISA's website at his deposition, and Mr. Scully explained that "[l]ike I said earlier, we didn't do [switchboarding] in 2022, so we should change that [document on CISA's website to read] 'to served.' Thank you for finding that." ECF No. 179-6, Scully Depo. Tr. 365:13:67:3. Mr. Scully's testimony is consistent with CISA's website, which only purports to describe switchboarding activities during the 2018 and 2020 elections. *See* Ex. 1. Accordingly, Plaintiffs have failed to identify any evidence to support their claim that CISA has continued switchboarding efforts after the 2020 election cycle, and there is no merit to their motion to compel on this basis.

Dated: January 25, 2023

Respectfully submitted,

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